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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DEBNATH, SUMAN

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/637,184

Applicant(s)

CROMER ET AL.

Examiner

Suman Debnath

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/08/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Chanhree B. Roy
Art 2135

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/12/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-35 are pending in this application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 4-6, 8-9, 12-13, 16-18, 20-21, 24-25, 28-30 and 32-33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5-9, 12-13, 16-19, 20, 23-24 and 27-30 of copending Application No. 10/637182. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim the same inventive concept from slightly different points of view. Whereas the instant application claims "accept personality" and "assume a selected personality" and the copending application claims

"determining a location" and "assuming a selected location." These limitations are obvious variations of the inventive concept and either set of limitations carries same results by implementing the same system (".....generally speaking, personality is used where convenience is desired. Location is used where security is of the utmost importance." -e.g., see [0036] of instant application or [0035] of copending application).

4. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Regarding claims 1-4 and 5-12, the language of the claim(s) raises a question whether the claim is directed merely to an abstract idea that is not tied to a environment or machine which would result in a practical operation producing a concrete, useful, and tangible result to form the basis of statutory subject-matter under 35 U.S.C. 101. In particular, independent claims 1 and 5, directed to as a program per se claim.

(Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, 1760)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2135

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 13-16 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts (Patent No.: US 6,327,623 B2) in view of Guzman et al. (Patent No.: US 7,058,847 B1), hereinafter "Guzman".

9. As to claim 1, Watts a program product comprising: a computer useable medium having computer readable program code stored therein, the computer readable program code in said program product being effective (abstract) when executing to: accept personality selection input provided by a user to the computer (column 10, lines 35-65) which has a storage device adapted to store various data files (column 16, lines 37-50) and to assume a selected personality in the computer based on the provided input (column 10, lines 40-60); files to be stored in the storage device according to the selected personality (".....set at the directory holding the files located on the selected workspace", e.g., see column 16, lines 37-50);

Watts doesn't explicitly disclose tag files to be stored and implement a filter which (a) passes files tagged according to the selected personality and removes the tags applied by the code which is effective to tag files and which (b) blocks files not tagged according to the selected personality.

However, Guzman discloses tag files to be stored (column 11, lines 60-67 - column 12, lines 1-10) and implement a filter which (a) passes files tagged according to the selected personality and removes the tags applied by the code which is effective to

tag files ("...restoration engine 404 remove character fields and renames the restoration file .." - e.g., column 13, lines 5-15) and which (b) blocks files not tagged according to the selected personality (column 11, lines 60-67 to column 12, lines 1-10, Guzman teaching of blocking file not tagged by associating a specific unique identifier with the file name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by tagging files to be stored and by implementing a filter to remove the tag and to block files not tagged as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

10. As to claims 13 and 25, these are rejected using the same rationale as for the rejection of claim 1.

11. As to claims 2, 14 and 26, Watts discloses wherein accepting personality selection input is independent of user login identity information (column 8, lines 45-65, column 10, lines 40-65 and column 16, lines 35-50, Watts teaches of accepting personality selection input that is independent of user login identity information by having a viewable workspace when detects changes).

12. As to claims 3, 15 and 27, Watts discloses wherein accepting personality selection input accepts the input as a function of user login identity information (column 10-65, "...if the user accepts the changes, the configuration is changed..").

13. As to claims 4, 16 and 28, Watts doesn't explicitly disclose wherein tagging files appends characters to the data file name. However, Guzman discloses wherein tagging files appends characters to the data file name (column 11, lines 60-67 - column 12, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by including tagging files appends characters to the data file name as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

14. Claims 5-12, 17-24 and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts in view of Guzman and further in view of Kataoka et al. (Patent Number: 5,857,021), hereinafter "Kataoka".

15. As to claim 5, Watts discloses a program product comprising: a computer useable medium having computer readable program code stored therein, the computer readable program code in said program product being effective (abstract) when executing to: accept and authenticate input provided by a user selected from a plurality of personality selection inputs to a computer (column 10, lines 35-65) which has a

storage device adapted to store various data files (column 16, lines 37-50) and assume a selected personality in the computer based on the provided input (column 10, lines 40-60); files to be stored in the storage device according to the selected personality wherein the contents of the files are stored on the storage device (".....set at the directory holding the files located on the selected workspace", e.g., see column 16, lines 37-50); wherein, when at least one application is executed in the computer, a change in the selected personality based on newly provided input does not require termination of the at least one application (column 10, lines 40-60).

Watts doesn't explicitly disclose tag files to be stored in an encrypted format and implement a filter which (a) passes files tagged according to the selected personality and removes the tags applied by the code which is effective to tag files and decrypts the contents of tagged files which have been stored in an encrypted format on the storage device and which (b) blocks files not tagged according to the selected personality.

However, Guzman discloses tag files to be stored (column 11, lines 60-67 to column 12, lines 1-10) and implement a filter which (a) passes files tagged according to the selected personality and removes the tags applied by the code which is effective to tag files ("...restoration engine 404 remove character fields and renames the restoration file .." - e.g., column 13, lines 5-15) and which (b) blocks files not tagged according to the selected personality (column 11, lines 60-67 - column 12, lines 1-10, Guzman teaching of blocking file not tagged by associating a specific unique identifier with the file name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by tagging files to be stored and by implementing a filter to remove the tag and to block files not tagged as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

Neither Watts nor Guzman explicitly disclose storing file in an encrypted format and decrypting file that have been stored in an encrypted format on the storage device. However, Kataoka discloses storing file in an encrypted format (abstract, FIG. 6) and decrypting file that have been stored in an encrypted format on the storage device (abstract, FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the teaching of Watts and Guzman by storing file in an encrypted format and decrypting file that have been stored in an encrypted format on the storage device as taught by Kataoka in order to provide "a reliable security systems to protect information in storage media from unauthorized access" (Kataoka).

16. As to claims 17 and 29, these are rejected using the same rationale as for the rejection of claim 5.

17. As to claims 6, 18 and 30, Watts discloses selected personality (column 10, lines 30-60). Watts doesn't explicitly disclose implementing the filter further passes files tagged as universal irrespective of the selected personality and thereby overrides the

filter action (b) which otherwise blocks files not tagged according to the selected Personality. However, Guzman discloses implementing the filter further passes files tagged as universal irrespective of the selected personality and thereby overrides the filter action ("...restoration engine 404 remove character fields and renames the restoration file" - e.g., column 13, lines 5-15) (b) which otherwise blocks files not tagged according to a selected personality (column 11, lines 60-67 - column 12, lines 1-10, Guzman teaching of blocking file not tagged by associating a specific unique identifier with the file name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by implementing the filter which further passes files tagged as universal irrespective of the selected personality and thereby overrides the filter action (b) which otherwise blocks files not tagged according to the selected personality as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

18. As to claims 7, 19 and 31, these are rejected using the same rationale as for the rejection of claim 6.

19. As to claims 8, 20 and 32, Watts discloses wherein a call to selecting one of the authentications performed by accepting and authenticates (column 9, lines 35-65 and column 10, lines 30-55). Watts doesn't explicitly disclose call to a cryptographic processor that the encryption performed by the code that implements the filter, and the

decryption performed the code that implements the filter. However, Guzman discloses implementing a filter (column 11, lines 60-67 to column 12, lines 1-10 and column 13, lines 5-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by implementing a filter as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

Neither Watts nor Guzman explicitly disclose calling a cryptographic processor, which determines the encryption and decryption performed. However, Kataoka discloses calling a cryptographic processor, which determines the encryption and decryption performed (abstract, FIG. 6 and FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the teaching of Watts and Guzman by storing file in an encrypted format and decrypting file that have been stored in an encrypted format on the storage device as taught by Kataoka in order to provide "a reliable security systems to protect information in storage media from unauthorized access" (Kataoka).

20. As to claims 9, 21 and 33, neither Watts nor Guzman discloses wherein the cryptographic processor called is a trusted platform module. However, Kataoka discloses wherein the cryptographic processor called is a trusted platform module (FIG. 6 and FIG. 7, Kataoka discloses trusted platform module by validating identification before encrypting or decrypting any data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the teaching of Watts and Guzman by including wherein the cryptographic processor called is a trusted platform module as taught by Kataoka in order to provide "a reliable security systems to protect information in storage media from unauthorized access" (Kataoka).

21. As to claim 10, 22 and 34, Watts discloses wherein accepting personality selection input is independent of user login identity information (column 8, lines 45-65, column 10, lines 40-65 and column 16, lines 35-50, Watts teaches of accepting personality selection input that is independent of user login identity information by having a viewable workspace when detects changes).

22. As to claim 11, 23 and 35, Watts discloses wherein accepting personality selection input accepts the input as a function of user login identity information (column 10-65, "...if the user accepts the changes, the configuration is changed..").

23. As to claim 12 and 24, Watts doesn't explicitly disclose wherein tagging files that appends characters to the data file name.. However, Guzman discloses wherein tagging files that appends characters to the data file name (column 11, lines 60-67 - column 12, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by including wherein

tagging files that appends characters to the data file name as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

Dube (Patent Number: US 7,177,426 B1) discloses a method for electronic file protection using location.

Small et al. (Patent Number: US 5,642,303) discloses a method for time and location based computing for portable device.

Farchmin et al. (Patent No.: US 7,043,316 B2) discloses location based programming and data management in an automated environment.

Hamid et al. (Patent No.: US 7,137,008 B1) discloses flexible method of user authentication.

Wright et al. (Pub. No.: Pub. No.: US 2004/0123150 A1) discloses protection of data accessible by a mobile device.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suman Debnath whose telephone number is 571 270 1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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